6801386/2022/VIG-I-PRR01

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

P.S. - PR&RD Department - Allegation of irregularities and misappropriation of EAS funds of Mandal Parishad in Y. Ramavaram, erstwhile East Godavari District and presently Alluri Sitaramaraju District - Disciplinary proceedings against Sri M.Ch. Subba Rao, Assistant Engineer, PR (Retired) – Penalty and recovery imposed - Orders of A.P.A.T dated: 18.11.2009 in O.A.No.7547/2006 – Fresh inquiry conducted and obtained representation of Charged Officer - Provisionally decided to impose a penalty of 20% cut in pension permanently besides recovery of an amount of Rs.91,776/- in lumpsum - Show-cause notice issued - Charged Officer expired on 23.12.2021 - Further action abated under Rule 9 (7) of A.P. Revised Pension Rules, 1980 duly recovering an amount of Rs.91,776/- from the terminal benefits of deceased – Orders – Issued.

PANCHAYAT RAJ AND RURAL DEVELOPMENT (VIG.I) DEPARTMENT

G.O.Rt.No.966 **Dated.23.12.2022.**

Read the following:-

Ref:- 1.G.O.Rt.No.1100, PR&RD (Vig. II) Department, Dt: 07.08.2006.
2. Orders of A.P. Administrative Tribunal dt: 18.11.2009 in O.A.No. 7547 of 2006 filed by Sri M.Ch. Subba Rao, Asst. Engineer (PR), E.G. District.
3.Govt. Memo.No.19455/Vig.II/A2/2006-6, PR & RD (Vig.II) Department, Dt.26.02.2011.
4.From Engineer in Chief, Panchayat Raj, Andhra Pradesh, Lr.No.Vig.II(2)/27545/96, Dt.09.12.2015 .
5. Govt. Mmo NO. 19455/Vig. I/2006, PR&RD (Vig. I) Dept., Dt: 24.5.2016.
6. From the ENC,PR, Letter No. Vig. II/27545/2006, dated: 01.06.2018 along with representation of Sri M.Ch. Subba Rao, former A.E/ MEO, Y. Ramavram, E.G. District, dt: 12.05.2018.
7. Govt. Memo No. 19455/Vig. I/2006, PR&RD (Vig. I) Department, Dt: 09.09.2021.
8. Representation dt: Nil from Smt. M. Leelavathi, W/o. M.Ch. Subba Rao, retired Assistant Engineer (PR & expired on 23.12.2021), received on 30.03.2022

******

O R D E R:

In the reference 1st read above, Government imposed a punishment of withholding of entire pension and gratuity against Sri M.Ch. Subba Rao, former Assistant Engineer / Mandal Engineering Officer, Y. Ramavaram, East Godavari District and for recovery of an amount of Rs.12,29,550/- towards loss from him in a case of

(P.T.O)

allegation of misappropriation of EAS funds in the Y. Ramavaram Mandal during the year 1994-95 and based on the findings of the Inquiry Officer thereon.

2. In the reference 2nd read above, the A.P. Administrative Tribunal in their orders dt:18.11.2009 have allowed the O.A.NO. 7547 of 2006 filed by Sri M.Ch. Subba Rao, Asst. Engineer (PR) (Retired) and set-aside the orders issued in the reference 1st read above and remitted back the matter to the Respondents to conduct a fresh enquiry through the enquiry officer by examining the witnesses and giving opportunity to the applicant to cross examine the witnesses and to examine witnesses and mark documents on his behalf and the enquiry shall be conducted as per the procedure laid down in Rule 20 of A.P.C.S (CC&A) Rules, 1991.

3. In pursuance to the orders of the Hon'ble A.P. Administrative Tribunal, Government have directed the Engineer-in-Chief, Panchayat Raj to instruct the Executive Engineer & Enquiry Officer, Panchayat Raj, Kakinada to conduct fresh enquiry on the charges framed against Sri M.Ch.Subba Rao, Assistant Engineer (PR) duly following the procedure laid down in Rule 20 of Andhra Pradesh Civil Services (CC&A) Rules, 1991 vide reference 3rd read above.

4. In the reference 4th read above, Engineer- in- chief, Panchayat Raj, Andhra Pradesh, has submitted the inquiry report dt: 14.08.2015 received from the Executive Engineer & Enquiry Officer, PRI Division, Kakinada on the charges leveled against Sri M.Ch. Subba Rao, Assistant Engineer (Retired) to Government for taking further action.

5. In the reference 5th read above, Government have communicated a copy of the inquiry report to the charged officer Sri M.Ch.Subba Rao, Assistant Engineer (Retired), as per under Rule 21 (2) of A.P. Civil Services (C.C&A) Rules, 1991 with a direction to submit his representation, if any, on the enquiry report to Government for taking further action in the matter.

6. In the reference 6th read above, the Engineer-in-Chief, PR has forwarded the representation dt: 12.05.2018 of Sri M.Ch. Subba Rao, former Asst. Engineer / Mandal Engineering Officer, Y. Ramavaram, EG. District (Retd) to Government. In his representation, the Charged Officer has stated that the enquiry officer has mentioned that an amount of Rs.91,776/- was misappropriated by him and Sri K. Somayajulu , I/c. MPDO Agrl. Officer, Y. Ramavaram against whom Government in Agriculture & Cooperation Department have dropped further action vide G.O.Rt.No.581, Dt: 30.10.2014, who is co-accused in the case. The Charged Officer has requested the Government to consider his case on par with above G.O and to drop further action against him.

(Continued on page 3)

7. Government have examined matter and observe that the Executive Engineer, PRI Division, Kakinada in his inquiry report dt: 14.8.2015, has held that the charged officer Sri M.Ch. Subba Rao, A.E/MEO is responsible for alleged misappropriation of Govt. funds to a tune of Rs.91,776/- and held that the charge is proved. The Government in Agriculture & Cooperation Department have dropped further action vide G.O.Rt.No. 581, Dt: 30.10.2014 against Sri K. Somayajuly, I/c. MPDO & Agrl. Officer since charges were not held proved against him. As such, his contention to drop further action on par with said individual is devoid of merits. Further, misappropriation of Govt. funds is held proved and as such the charged officer is liable for awarding major penalty besides recovery of loss from him, as per rules in force.

8. Further, as per the Amendment to the to Article 300 of A.P. Financial Code, Volume-I made as per orders issued in G.O.Ms.NO.33, Finance (TFR.I) Department, Dt:9.2.2006, that "recovery from the Government servant for the losses by misappropriation of Government money shall be, recovery of the misappropriated amount / loss caused at bank rate as fixed by RBI + 2%.

9. Keeping in view the above, Government have provisionally decided to impose a penalty of 20% cut in pension permanently against Sri M.Ch. Subba Rao, retired Assistant Engineer (PR) besides recovery of an amount of Rs.91,776/- in lumpsum at Bank Rate + 2% as per Rules with effect from the date off establishment of enquiry report dt:14.8.2015, since Charge is held proved. Accordingly, Government vide reference 7th read above have communicated above provisional decision to the charged officer with a direction to submit his representation if any thereon for taking further action in the matter.

10. In the reference 8th read above, Smt. M. Leelavathi, W/o. M.Ch. Subba Rao, retired Assistant Engineer (PR) has submitted a representation duly stating that her husband Sri M.Ch. Subba Rao, retired Assistant Engineer (PR) was expired on 23.12.2021. She has produced copy of death certificate of her deceased husband and requested to abate further action and also release retirement benefits in the matter.

11. Government have examined the matter and observe that as per rules in vogue, death abates all further proceedings, however the loss caused if any, has to be recovered from the terminal benefits admissible to the legal heirs as per the Rule 9(7) of A.P. Revised Pension Rules, 1980.

12. Government after careful examination of the matter, have decided and accordingly hereby abate further action against Sri M.Ch. Subba Rao, former Assistant Engineer, PR, Y. Ramavaram, erstwhile East Godavari District and presently Alluri Sitaramaraju District (expired on 23.12.2021) in the matter duly recovering the above loss

of Rs.91,776/- in lumpsum at Bank Rate + 2% as per Article 200 of A.P. Financial Code Volume–I with effect from the date off establishment of enquiry report dt:14.8.2015 from the terminal benefits of the deceased in accordance with Rule 9 (7) of A.P. Revised Pension Rules, 1980.

13. The Engineer – in -Chief, Panchayat Raj, Andhra Pradesh, Vijayawada, shall take necessary action and to recover the above amount duly following rules in force.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

GOPAL KRISHNA DWIVEDI
PRINCIPAL SECRETARY TO GOVERNMENT

To
The Engineer-in-Chief, Panchayat Raj, Andhra Pradesh, Vijayawada.
Smt. M. Leelavathi,
W/o. M.Ch. Subba Rao,
Retired Assistant Engineer (PR & Expired)
H.NO. 19-3-5/1, Ratnampet,
Ramachandrapuram,
Erstwhile East Godavri District
and presently Dr. B.R. Ambedkar Konaseema District
through Engineer in Chief, Panchayat Raj, A.P., Vijayawada.

Copy to:-
OSD to Hon'ble Dy. Chief Minister, PR&RD
PS to Prl. Secretary to Government, PR&RD
The Secretary to Vigilance Commission,
Andhra Pradesh Vigilance Commission, Velagapudi.
SF/SC.

//FORWARDED :: BY ORDER //

SECTION OFFICER